

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 25

September 13, 2010

SUBJECT: WITHDRAWAL OF NARCOTICS EVIDENCE - REVISED

PURPOSE: This Order streamlines the approvals and improves administrative oversights and controls for the withdrawal of narcotics evidence from Property Division storage for special purposes, such as investigations and training. Approval for the withdrawal of narcotics evidence from Property Division storage for special purposes will be limited to the Chief of Detectives, Detective Bureau.

PROCEDURE: Attached are the Department Manual sections regarding the withdrawal of narcotics evidence from Property Division storage for special purposes that have been revised with the revisions indicated in italics. These revisions eliminate the requirement for multiple approval authorities and clarify the approval authority for the withdrawal of narcotics evidence from Property Division storage as the Chief of Detectives, Detective Bureau.

AMENDMENTS: This Order amends Sections 4/543.10, 4/543.20, 4/543.25, 4/543.30 and 4/544.10 of the Department Manual.

MONITORING RESPONSIBILITY: The Director, Office of Special Operations, shall have monitoring responsibility for this directive.

AUDIT RESPONSIBILITY: The Commanding Officer, Internal Audits and Inspections Division, shall review this directive and determine whether an audit or inspection shall be conducted in accordance with Department Manual Section 0/080.30.



CHARLIE BECK
Chief of Police

Attachment

DISTRIBUTION "D"

543. WITHDRAWAL OF NARCOTICS EVIDENCE.

543.10 WITHDRAWAL OF NARCOTICS EVIDENCE FROM PROPERTY DIVISION.

Employees shall only withdraw narcotics evidence from Property Division storage when required for:

- Court;
- Court-ordered destruction;
- Administrative or other official hearing to which the officer has been subpoenaed; or,
- Special purposes for which the approval of the *Chief of Detectives* has been obtained.

Department employees, including Los Angeles Fire Department Investigators, who withdraw and return property, or who request the transfer or release of property for any authorized purpose, **shall** provide the appropriate Department **picture** identification for verification of identity and provide a right thumbprint and signature on the Property Division Record.

543.20 WITHDRAWAL OF NARCOTICS FOR SPECIAL PURPOSES. Only narcotics which have been previously allocated for use by court order may be withdrawn for special purposes such as investigations or training.

Requesting Employee's Responsibility. An employee requesting approval for the withdrawal of narcotics for special purposes from Property Division storage shall:

- Complete an Intradepartmental Correspondence, Form 15.02.00, for the signature of the concerned commanding officer, with the following information:
- Date and time of intended use.
- Necessity of request (training, demonstration, etc.)
- Identification of the narcotics source, including DR number and item number from the concerned report.
- Type and quantity of narcotics necessary.
- Proposed manner of use.

Note: The manner and necessity of the anticipated destruction of any narcotics used for special purposes shall be documented in the request.

- Duration of use.
- Benefits to the Department.
- Employee responsible for withdrawal and return of the narcotics.
- Submit the completed Form 15.02.00 to the concerned commanding officer for approval and signature;

Note: To ensure the required amount of security necessary for investigations involving the use of narcotics for special purposes, the Form 15.02.00 must be hand-carried between levels of review and remain a confidential document to any employee outside the review process.

- Upon the receipt of approval from the *Chief of Detectives*, obtain a court order to withdraw narcotics from the pre-allocated portion stored at Property Division;

Note: The original court order setting aside the initial allotment of narcotics for use for special purposes is not generally a blanket order authorizing withdrawal. The requesting employee shall obtain a court order for each withdrawal from the allotment. Court orders setting aside allotments of narcotics for use in training only may be blanket orders, and withdrawals from this allotment do not require separate court orders.

- Set up an appointment with a Chief Forensic Chemist, Scientific Investigation Division (SID), for analysis and weighing of the narcotics;
- Present the approved request along with the court order to the Property Division commanding officer or designee; and,
- Withdraw the requested narcotics and transport them to SID for examination.

Return of Narcotics-Employee's Responsibility. Upon completion of the use of the narcotics, the concerned employee shall:

- Repackage all items, including transformed items;
- After making an appointment with a Chief Forensic Chemist at SID, deliver the narcotics to SID for reanalysis and weighing;
- Following examination of the narcotics by SID, return the narcotics to Property Division; and,
- Complete a Follow-Up Investigation Report, Form 03.14.00, containing the following information:
 - Explanation of any transformation, adulteration, or change to the narcotics.
 - If rebooked as evidence, the name and booking number the narcotics were booked to.
 - Dates and times narcotics were checked out, rebooked, or redeposited, and by whom.
 - DR number of the new evidence booking, if rebooked as evidence.
 - Number of narcotic packages checked out and returned.
 - Weight of narcotics packages, individually and en masse, checked out and returned.
- Forward a Form 15.02.00 approved by the concerned commanding officer, the completed Form 03.14.00, and a copy of the SID Analyzed Evidence Report, Form 12.20.00, documenting the analysis and weight of the narcotics, through channels to the *Chief of Detectives*, advising of completion of the use of narcotics for a special purpose.

Commanding Officer's Responsibility. The commanding officer of an employee requesting narcotics use for a special purpose shall review the request and, upon approval, sign and forward the Form 15.02.00 requesting authorization for the withdrawal of narcotics to the *Chief of Detectives*, via *Gang and Narcotics Division*, for appropriate action.

Exception: When requesting the withdrawal of narcotics for a special purpose, the Commanding Officer, Internal Affairs Group, shall obtain approval from, and forward all related correspondence directly to the *Chief of Detectives*.

Commanding Officer, Gang and Narcotics Division's Responsibility. The Commanding Officer, *Gang and Narcotics Division*, shall:

- Ensure that an appropriate quantity of narcotics is set aside, via court order, at Property Division for use for special purposes;
- Coordinate all requests approved by the *Chief of Detectives* with the requesting employee's commanding officer;
- Forward all denied requests to the requesting employee's commanding officer;
- Maintain a file of all approved and denied requests; and,
- Upon approving a request for narcotics use, forward the Form 15.02.00 to the *Chief of Detectives*.

Exception: Requests from the Commanding Officer, Internal Affairs Group, shall be submitted to and handled by the *Chief of Detectives*.

Chief of Detectives' Responsibility. Upon receipt of a request to withdraw narcotics from Property Division, the *Chief of Detectives* shall:

- Review the request;
- Upon approval, return the original Form 15.02.00 to the Commanding Officer, *Gang and Narcotics Division*;
- Maintain a file of all requests; and,
- If the request is denied, forward the Form 15.02.00 along with the denial to the Commanding Officer, *Gang and Narcotics Division*.

Exception: Requests from Internal Affairs Group shall be forwarded to the Commanding Officer, Internal Affairs Group.

Property Division's Responsibility. Property Division personnel involved in the withdrawal and return of narcotics evidence shall:

- Verify the Department picture identification of the employee withdrawing the narcotics and obtain their right thumbprint and signature on the appropriate Property Division record;
- Upon receipt of the original Form 15.02.00 bearing the signature of the *Chief of Detectives* and the original court order authorizing withdrawal of the specified amount of narcotics, release the specified amount of narcotics to the employee; and,
- Maintain a file of the requests for withdrawal of narcotics authorized by the *Chief of Detectives*.

Scientific Investigation Division's Responsibility. Scientific Investigation Division personnel involved in examination of narcotics to be used for a special purpose shall:

- Verify the identification of the employee requesting examination of narcotics;
- Analyze, package, seal, and weigh all narcotics packages individually and en masse upon checkout and return in the presence of the requesting employee;

- Complete an Analyzed Evidence Report, Form 12.20.00, documenting the results of the testing and weighing of the narcotics; and,
- Forward a copy of the analyzed evidence report to the Commanding Officer, *Gang and Narcotics Division*, and the requesting employee's commanding officer.

543.25 WITHDRAWAL OF NARCOTICS FOR CONTROLLED DELIVERY. Officers requesting withdrawal of narcotics for use in controlled deliveries shall follow procedures delineated in Manual Section 4/543.20.

Requesting Employee's Responsibility. An employee receiving approval for the withdrawal of narcotics for use in a controlled delivery shall:

- Present the approved Form 15.02.00 along with the approved court order to Property Division;
- Complete a Property Disposition/Update Request, Form 10.06.00;
- Obtain a signature on a Property Court Receipt, Form 10.03.0, from the officer or case agent assuming responsibility for booking the narcotics in the jurisdiction delivered; and,
- Return the Form 10.03.0 to Property Division as soon as possible.

Note: Property Court Receipt, Form 10.03.0, is generated by Property Division Personnel via the Automated Property Information Management System.

Property Division's Responsibility. Property Division employees involved in the withdrawal of narcotics for use in a controlled delivery shall:

- Verify the Department picture identification of the employee requesting the narcotics and obtain their right thumbprint and signature on the appropriate Property Division record;
- Ensure the employee requesting the narcotics completes a Form 10.03.0;
- Provide a Form 10.10.00 to the employee requesting the withdrawal of narcotics; and,
- Upon receipt of the original Form 15.02.00 bearing the signature of the *Chief of Detectives* and the original court order authorizing withdrawal of the specified amount of narcotics, release the specified amount of narcotics to the employee requesting.

543.30 EXIGENT CIRCUMSTANCES - APPROVAL. Narcotics may be removed from Property Division in exigent circumstances when needed for an ongoing investigation which requires the immediate use of narcotics. The concerned employee shall complete a Form 15.02.00, with all required information, requesting the immediate withdrawal of the narcotics and submit the Form 15.02.00 for the approval and signature of the concerned commanding officer. Upon review, the commanding officer shall obtain telephonic approval from the Commanding Officer, *Gang and Narcotics Division*. Upon approval, the concerned commanding officer shall obtain approval from the *Chief of Detectives or the Assistant Commanding Officer, Detective Bureau, if the Chief of Detectives is unavailable.*

The approved Form 15.02.00, bearing signatures obtained telephonically from the Commanding Officer, *Gang and Narcotics Division*; *the Chief of Detectives*; or *the Assistant Commanding Officer, Detective Bureau*, shall be presented to Property Division along with the court order to obtain the evidence. A copy of the telephonically completed Form 15.02.00 shall be forwarded by the requesting commanding officer to the *Chief of Detectives* via the Commanding Officer, *Gang and Narcotics Division*, and *the Assistant Commanding Officer, Detective Bureau*, on the next administrative working day. If Property Division is closed, the concerned commanding officer shall contact *Real-Time Analysis and Critical Response Division* to dispatch an authorized Property Division employee to open the narcotics storage area.

Note: Officers assigned to Internal Affairs Group requesting narcotics to be removed in exigent circumstances shall, upon approval from the Commanding Officer, Internal Affairs Group, obtain approval from the *Chief of Detectives*, or *the Assistant Commanding Officer, Detective Bureau*, if the *Chief of Detectives* is unavailable.

544. PROPERTY SIGN - OUT.

544.10 LONG-TERM PROPERTY SIGN - OUT. When necessary, property is eligible for long-term sign-out for such reasons as a lengthy analysis, investigative needs, etc. A long-term sign-out may be obtained at the time of the initial sign-out or anytime thereafter.

With a long-term sign-out, property may be signed out for 60 days before a Notice of Overdue Signed-Out Property, Form 10.05.1, *generated by Property Division's Automated Property Information Management System*, will be sent. A Notice will be sent every 30 days thereafter until the property has been returned to Property Division or a completed Property Court Receipt has been received by Property Division.